

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

LD CONSTRUCTION INC.,

Debtor.

Case No. **4:23-BK-40063-BPH**

ORDER CONFIRMING SUBCHAPTER V PLAN

Debtor filed an Amended Plan of Reorganization for Small Business Under Chapter 11 at ECF No. 100 (“Plan”). The Plan and a ballot conforming generally to Official Form 314 was served on all creditors, equity security holders, and other parties in interest according to the date fixed by the Court pursuant to Fed. R. Bankr. P. 3017.2. The Plan Ballot Summary filed at ECF No. 113 indicates that no ballots were filed for Class 2, 3 and 7. Eight separate claims comprise Class 8 but only 1 creditor in that class voted. The singular vote accepted.

Upon review, the Court concludes that the Plan includes all information required under 11 U.S.C. § 1190(a). The Court also concludes that the Plan meets the applicable requirements of 11 U.S.C. § 1129(a) (other than paragraphs (8), (10), and (15) of that section). Finally, the Court concludes that the Plan does not discriminate unfairly and is fair and equitable with respect to each class of claims or interests that is impaired under and has not accepted the Plan.¹ Accordingly,

IT IS ORDERED that pursuant to 11 U.S.C. § 1191(b) the Plan is confirmed.

IT IS FURTHER ORDERED that pursuant to 11 U.S.C. § 1192, Debtor is entitled to move for a discharge upon completion of all payments required under the Plan.

IT IS FURTHER ORDERED IT IS ORDERED that a status conference shall be held on **September 13, 2024**, at 9:00 a.m., or as soon thereafter as the parties may be heard in the CHIEF MOUNTAIN COURTROOM, 3RD FLOOR, MISSOURI RIVER COURTHOUSE, 125 CENTRAL AVENUE WEST, GREAT FALLS, MONTANA.

At the hearing Debtor shall provide the Court with a report on the status of Debtor’s receipt of payment of \$231,665.88 from Montana Tunnels, Inc.² Debtor’s counsel shall advise

¹ While a failure to vote may or may not reflect a “rejection,” a creditor’s failure to vote complicates the voting analysis.

² Montana Tunnels, Inc., is a debtor in case 2:22-bk-20132. In connection with dismissal of that case, the Court heard testimony from Patrick Imeson (“Imeson”) that this Court relied on when

Montana Tunnel's bankruptcy counsel, Mr. Patten, of the status conference. If LD Construction has not received payment, or otherwise reached an agreement with Montana Tunnels regarding payment, Mr. Patten shall appear and provide an explanation for the delay to the Court.

Dated August 12, 2024.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana

rendering its decision to dismiss that case. Imeson's testimony caused this Court to conclude that if that case was dismissed, unsecured creditors like LD Construction would be paid. Since that case was dismissed, payment of LD Construction is expected by the Court.